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13 UNITED STATES DISTRICT COURT
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15 NORTHERN DISTRICT OF CALIFORNIA
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17 SAN FRANCISCO DIVISION

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19 UNITED STATES OF AMERICA) No. 3-08-70235 MAG
20 v.)
21) STIPULATION AND [PROPOSED]
22) ORDER DOCUMENTING WAIVER
23)
24 GREGORY ALLEN WEISS,)
25)
Defendant.)

26 With the agreement of the parties, and with the consent of the defendant, the Court enters
27 this order vacating the preliminary hearing date of June 13, 2008, setting a new preliminary
28 hearing date on August 6, 2008, at 9:30 a.m., before the duty magistrate judge, extending the
time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding
time under the Speedy Trial Act from June 13, 2008 to August 6, 2008. The parties agree and
stipulate, and the Court finds and holds, as follows:

29 1. The defendant, Gregory Allen Weiss, was charged in a complaint dated April 17,
30 2008 with one count of conspiring to distribute and to possess with intent to distribute 1,000 and
31 more individual marijuana plants, in violation of 21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A), and

1 846, and one count of distributing and possessing with the intent to distribute 1,000 and more
2 individual marijuana plants, in violation of 21 U.S.C. §§ 812, 841(a)(1), and 841(b)(1)(A).
3 Weiss was arrested on April 23, 2008, and on April 25, 2008, was released subject to bail
4 conditions, including:(a) a \$600,000 personal recognizance bond (b) co-signed by two
5 financially responsible persons and (c) secured by property with equity covering the bond
6 amount, notably 1109-1147 Evans Drive, Santa Rosa, California. The Court set May 14, 2008 as
7 the date of the defendant's preliminary hearing.

8 2. Since his arrest, Weiss has been represented by Ann C. Moorman, Esq. At the
9 joint request of Ms. Moorman and the Government, and with the consent of the defendant, this
10 Court extended the preliminary hearing date by two weeks, from May 14, 2008 until May 28,
11 2008. This extension was granted in order to allow the parties more time to pursue plea
12 discussions. Time was also excluded under the Speedy Trial Act until the May 28, 2008 date.

13 3. Following May 14, 2008, the parties continued their plea discussions in an
14 attempt to resolve this case prior to the filing of formal charges. The parties did not, however,
15 complete their discussions, and Ms. Moorman advised the Government that she required
16 additional time to confer with the defendant concerning his case. Accordingly, the parties, with
17 the consent of the defendant, asked the Court to extend the preliminary hearing date a second
18 time, from May 28, 2008 until June 13, 2008, and to schedule the preliminary hearing at 9:30 am
19 on June 13, 2008. The Court granted this request and excluded time under the Speedy Trial Act
20 until June 13, 2008.

21 4. Since May 28, 2008, the parties have continued their discussions, and in
22 connection with these discussions, Ms. Moorman has made a written submission to the
23 Government. Ms. Moorman has also asked the Government for additional time prior to the filing
24 of formal charges so that she can supplement her initial submission with additional materials,
25 materials that she requires additional time to gather.

26 5. Accordingly, the parties, with the consent of the defendant, have asked the Court
27 to extend the preliminary hearing date a third time, this time from June 13, 2008 until August 6,
28 2008, and to schedule the preliminary hearing at 9:30 am on August 6, 2008, before the duty

1 magistrate judge. The parties have also asked the Court to exclude time under the Speedy Trial
2 Act for the same reasons, i.e., so that Ms. Moorman has additional time to supplement her
3 submission to the Government with additional materials. The parties have also asked the Court
4 to exclude time under the Speedy Trial Act for the same reasons.

5 6. Taking into the account the public interest in the prompt disposition of criminal
6 cases, the above-stated grounds are good cause for extending the time limit for a preliminary
7 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment,
8 and for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny
9 defense counsel reasonable time necessary for effective preparation, taking into account the
10 exercise of due diligence, while granting the continuance would allow the parties to continue
11 their efforts to resolve this matter prior to the filing of formal charges.

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7. Accordingly, and with the consent of the defendant, the Court hereby: (a) vacates the June 13, 2008 preliminary hearing date and extends the time for a preliminary hearing until August 6, 2008, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from June 13, 2008 to August 6, 2008 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

STIPULATED:

DATED: June 10, 2008

/s/
ANN C. MOORMAN, ESQ.
Attorney for GREGORY ALLEN WEISS

DATED: June 10, 2008

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

IT IS SO ORDERED.

DATED: June 11, 2008

HON. BERNARD ZIMMERMAN
United States Magistrate Judge

